



To: Karmenu Vella
Commissioner
Environment, Maritime Affairs and Fisheries

To: Daniel Calleja Crespo
Director-General
Directorate-General for Environment

CC: Georges-Stavros Kremlis
Head of Unit: Mainstreaming and Environmental Assessments
Directorate-General for Environment

20 April 2017

Dear Sirs,

In the build-up for the upcoming Meeting of Parties to both the Espoo and Aarhus Conventions taking place this year, several compliance review cases of flawed decision-making in the nuclear context have surfaced. Most notably, decision-making on nuclear lifetime extensions reveals gaps in the implementation of the conventions' procedures, especially those concerning the involvement of potentially affected countries and their public.

We, European parliamentarians together with our partners, have already brought to attention of the Commission the issue of wider public participation and cross-border involvement in decisions concerning lifetime extension of nuclear power stations in Ukraine¹. A larger context has been discussed between MEPs, civil society and members of the EC during an event², which has found demands for wider participation of governments and public well-grounded and justified. Parties ought to apply the Conventions ("country of origin" must notify "potentially affected countries") prior to every decision to extend the lifetime of their nuclear unit, as such a decision concerns an activity that is likely to have a significant adverse

1 http://bankwatch.org/sites/default/files/MEPs_letter_nuclear_lifetime_extention.pdf

2 <http://www.nuclear-transparency-watch.eu/a-la-une/conference-public-participation-in-the-nuclear-sector-the-espoo-and-aarhus-conventions.html>

transboundary impact³. The core spirit of both Conventions as well as relevant legal principles, such as the precautionary principle, must be reflected in the countries decision-making on nuclear matters, including lifetime extensions⁴. To enable this, we strongly believe that notification under the Espoo Convention should take place for nuclear lifetime extension activities:

1. Irrespective whether physical changes have taken place since the operation of the nuclear plant or not⁵;
2. When decisions are to be taken without which the nuclear reactor would not be allowed to further operate;
3. When EIAs conducted at the start of or during its past lifetime did not include an assessment of lifetime extension and therefore, the extra environmental impacts resulting from the lifetime extension have not been assessed and weighed;
4. When the decision on the option for lifetime extension lacks an analysis of alternatives;

There is no doubt that decisions to extend operation of any nuclear reactor may have severe and multiple environmental impacts: those related to increased use of uranium and uranium mining; increased production of radioactive waste; increased incidents of technical failure with increasing risk on large accident; increased exposure to risk of large accident (incl. from extreme natural events, sabotage, terrorist attack and acts of war). Also, the environmental conditions have (including population densities, potentially impacted economic activity, the natural environment) changed during initial operation, leading to fundamentally different impacts during an extended lifetime.

There are pending cases⁶ concerning a number of EU member states and neighbouring countries such as the Netherlands, Belgium, the Czech Republic, Spain, Ukraine, and a number of countries including Germany, Slovakia, Romania, Austria, Hungary and Luxembourg, which are calling for more openness of nuclear decision-making, equal treatment and legal certainty with regards to the implementation of the Conventions to nuclear lifetime extensions. We are convinced that this is also a matter of EU-wide nuclear safety, since Europe will be exposed to up to 70 lifetime extensions until 2020.

3 Appendix 1 of the Espoo Convention includes nuclear power stations and Art. I.(v) includes among the "Proposed activities": "any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure "

4 As per Art. 2.1 for example the Espoo Convention aims "to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities".

5 The European Commission has previously expressed its opinion with regards to the need to apply the two conventions regardless of the existence of physical modifications prior to the lifetime extension. Also the Espoo and Aarhus Convention mechanisms acknowledge a need for systematic approach and are preparing interpretative rules to be applied for the nuclear decision-making

6 Five new information gathering cases have been open by the Espoo Implementation Committee in September 2016. Report

http://www.unece.org/fileadmin/DAM/env/documents/2014/EIA/IC/ece.mp.eia.ic.2014.2.as_resubmitte.pdf

The EU can contribute to nuclear safety by reflecting this situation as well as the call of its citizens for more open and participatory decision-making concerning nuclear matters.

We, members of the European Parliament together with partners, therefore ask the European Commission, as an opinion-making party of relevant international conventions, to provide leadership and express its clear support for the findings of relevant committees during the upcoming Meetings of Parties of Espoo Convention in June and of the Aarhus Convention in September⁷, in favour of a coherent application of the Espoo and Aarhus Conventions to nuclear lifetime extensions.

Sincerely,



Rebecca Harms, MEP Group of the Greens/European Free Alliance



Nadja Zeleznik, Chairwoman Nuclear Transparency Watch



Iryna Holovko, Ukrainian campaigner CEE Bankwatch Network
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Members of the European Parliament who have expressed their support:

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Kathleen Van Brempt
Monika Vana
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⁷ <https://www.unece.org/index.php?id=45098#/> and <https://www.unece.org/env/pp/mop.html>